

REMARKS/ARGUMENTS

STATUS OF THE CLAIMS.

Claim 6 is pending with entry of this amendment, claims 1-5 and 7-40 being cancelled without prejudice. Claim 6 is amended herein to incorporate all of the elements of base claim 5. These amendments introduce no new matter.

35 U.S.C. §103(a).

Claims 1-4 and 26-40 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Mestril *et al.*, 1994 (J. Clin. Invest. 93:759-767) in view of Giordano *et al.*, 1993 (Circulation 88:1-139) and Hayden *et al.*, 1997 (U.S. Patent No. 5,685,729). Office Action, page 2. Claims 1, 5, 7-9, and 21-25 were rejected as allegedly unpatentable over Mestril in view of Giordano and Hayden, and further in view of McGrory *et al.*, 1988 (Virology 163:614-617). *Id.*, page 6.

The cancellation of claims 1-5 and 7-40 renders this rejection moot.

ALLOWABLE SUBJECT MATTER.

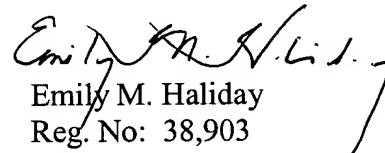
The Office Action indicated that claim 6 was objected to for depending from a rejected base claim, but that this claim would be allowable if rewritten in independent form. Office Action, page 7. Applicants have rewritten claim 6 as an independent claim, incorporating all of the elements of base claim 5. There were no intervening claims. Therefore, claim 6 is now allowable.

CONCLUSION

In view of the foregoing, Applicants believe that all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 769-3509.

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Respectfully submitted,


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